

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-10573-RWZ

JOSEPH SCHMITT

v.

MASSACHUSETTS DEPARTMENT OF CORRECTION, et al.

ORDER

September 15, 2006

ZOBEL, D.J.

Plaintiff charges defendants with filing duplicative pleadings and seeks to impose monetary sanctions for violating the court's order to cease that practice. But it is plaintiff who has filed duplicative actions. Defendants submitted two motions, one in each case. Defendants did not thereby contravene the order. Since there are two cases the only avenue available to defendants to raise the issue in each case was to file a motion in each.

Plaintiff's motion for sanctions (#26) is denied.

September 15, 2006

DATE

/s/Rya W. Zobel

RYA W. ZOBEL
UNITED STATES DISTRICT JUDGE